IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.143 OF 2006
IN
SUIT NO.101 OF 1993

Chhaganlal Haribhai Kesur. ..Plaintiff.

V/s.

P.Pushparani & Anr. ..Defendants.

And

Naresh O. Jain & Anr. ..Applicants.

Mr.V.A.Thorat, Sr.Advocate a/w. Mr.Bharat Vaishnawa i/b. Bharat Vaishnawa & Co. for Plaintiff.

Mr.B. Saraf i/b. Krishna Tanna for Applicants.

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 14, 2007.

P.C. :

1. After having considered rival submission and going through the pleadings on record, in my opinion, the Applicants are proper parties to the present proceeding. This is so because the Plaintiff is claiming right of charge in relation to the property at Juhu, which according to the applicants is owned and possessed under registered Conveyance Deed. Suffice it to observe that as the claim of the Applicants is supported by the documents placed on record, to which I have already made reference in the

separate Order passed today in the Notice of Motion No.273 of 2006 as mentioned earlier, I am of the opinion that the Applicants are proper parties to the Suit, if not necessary parties.

2. In the circumstances, Chamber Summons is made absolute in terms of prayer clause (a). Amendment to be carried out within two weeks from today.

(A.M.KHANWILKAR,J)